

APPLICATION OF MONDEV, MASS., INC. AND SEFRIUS CORP., GENERAL PARTNERS OF LAFAYETTE PLACE ASSOCIATES, FOR APPROVAL OF A THIRD AMENDMENT TO THE REPORT AND DECISION OF THE BOSTON REDEVELOPMENT AUTHORITY AUTHORIZING AND APPROVING THE PROJECT UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 121A AND St. 1960, c. 652, AS AMENDED.

That Amendment to the Report and Decision was approved by the Authority on September 3, 1978 as amended by a further Amendment to the Report and Decision approved by the Authority on April 1, 1980 and a further Amendment to the Report and Decision approved by the Authority on February 1, 1983.

As amended by said further Amendment, Exhibit A to the Report and Decision was incomplete, consisting of only pages one through ten, instead of pages one through thirty as submitted with the application.

By this application, the Applicant seeks to correct that deficiency and therefore requests the Authority to make changes to the Report and Decision, as amended.

Exhibit A, "Final" as amended, is herewith submitted for review to the Authority for its consideration of pages one through thirty attached hereto and made a part hereof, for Exhibit A to the Report and Decision, as heretofore amended.

WITNESSED THIS 27th DAY OF APRIL, 1983.

SEFRIUS CORP., INC., as General Partner of Lafayette Place Associates

SEFRIUS CORP., INC., as General Partner of Lafayette Place Associates

The undersigned, Mondev Mass., Inc. and Sefrius Corp., General Partners of Lafayette Place Associates, (the "Applicant"), hereby apply to the Boston Redevelopment Authority (the "Authority") pursuant to Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960 and the Rules and Regulations issued by the Authority for approval by the Authority of a Third Amendment to the Report and Decision approved by the Authority on September 6, 1979 as amended by a First Amendment to the Report and Decision approved by the Authority on April 3, 1980 and a Second Amendment to the Report and Decision approved by the Authority on February 17, 1983.

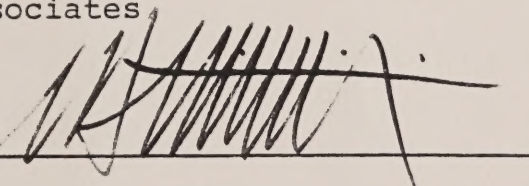
As amended by such Second Amendment, Exhibit A to the Report and Decision was incomplete, consisting of only pages one through two, instead of pages one through three as submitted with the application.

By this application, the Applicant seeks to correct that omission and therefore requests the following specific changes to the Report and Decision, as amended:

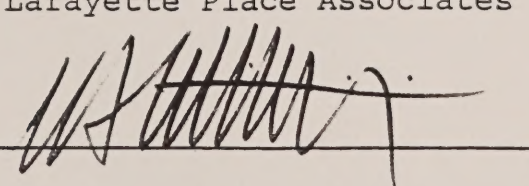
Substitute "Exhibit A: Statement of Permission Required for Project to Deviate from Zoning Laws" consisting of pages one through three attached hereto and made a part hereof for Exhibit A to the Report and Decision, as heretofore amended.

EXECUTED THIS 29th DAY OF MARCH, 1983.

MONDEV MASS., INC., as General
Partner of Lafayette Place
Associates

By 

SEFRIUS CORP., as General Partner
of Lafayette Place Associates

By 

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

March 29, 1983

Then personally appeared before me Marco Tomic Ottieri,
who being duly sworn, made oath that to the best of his
knowledge and belief the statements contained in the fore-
going Application are true.

Walter M. Cunha
Notary Public

My commission expires: July 22, 1988

EXHIBIT A

Statement of Permission Required for Project to Deviate From Zoning Laws

The following is a statement of all deviations from the Boston Zoning Code and Enabling Act which so far as known to the applicants will be required for the construction and use of the Project.

I. Parcels A and B:

A. Section 2-1(26) (definition of "lot"): deviations to the extent needed to allow each air rights parcel to constitute an individual zoning lot.

* B. Section 2 of Chapter 665 of the Acts of 1956, as amended (Municipal Uses in Districts Where Dwellings are Permitted): deviations to permit portions of the air rights parcels to be used for "municipal purposes" to the extent such deviations are necessary for the uses of the plaza, malls, and other public easement areas.

C. Article 8, Table A (Uses):

(1) Item 36A (sale over the counter of on-premises prepared food or drink for off premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out [Conditional]): deviations to permit uses classified under Item 36A.

* (2) Item 52 (outdoor place of assembly operated for profit [Conditional]): deviation to permit uses from time to time which might be classified under Item 52 within outdoor interior parts of the Project, e.g., the plaza and terrace overlooking the plaza.

* (3) Item 68 (Industrial Uses [Conditional]): deviation to permit the repair of cameras and photographic equipment, musical instruments, optical equipment, clocks and similar precision instruments, electronic equipment, and similar uses.

* (4) Item 71 (ancillary uses [Conditional]): deviations to permit uses within the Parking Facility ancillary to the uses of the air rights parcels, and to permit uses within the air rights parcels and the adjacent Jordan Marsh property ancillary to uses within Project without such uses being subject to any area limitations which might be imposed by Article 10.

* (5) Item 72A (accessory swimming pool): deviation to permit the hotel swimming pool to be located without regard to any required setback from the lot lines, and to eliminate the requirements of a "fence" screening it from such lot lines.

* (6) Item 78 (accessory hotel uses): deviations to permit uses accessory to the hotel which could be classified under Item No. 78, whether or not such uses are conducted "wholly within the building and entered solely from within the building" and without such uses being subject to any limitations imposed by Article 10.

* (7) Items 85 (accessory use): deviation to permit laundry facilities accessory to the hotel, notwithstanding the fact that a "laundry plant" as defined in Item 45 is forbidden in a B-10 district.

* D. Article 10, Section 10-1 (Limitation of Area of Accessory Uses): deviations so as to make the area limitations of Article 10 inapplicable to 1) the plaza, malls, vertical and horizontal pedestrian circulation systems, and access and egress areas (to the extent that such areas might be classified as accessory uses), 2) to any areas devoted to uses accessory to the maintenance or operation of the building or structure, 3) to any areas devoted to accessory uses which would be allowed as of right (or permitted pursuant to the deviations listed in paragraph C above) if treated as primary uses, and 4) to any lobbies, meeting rooms, ballrooms, kitchens, or customary employee facilities (to the extent that such uses might be classified as accessory uses).

E. Article 13; Section 13-4 (Hotel as "dwelling"): deviations to permit the hotel and parts thereof to be regarded as other than a "dwelling" or "dwellings" for the purposes of applying the dimensional requirements of the Boston Zoning Code.

F. Articles 13 and 15 (Floor area ratio): deviations to allow the air rights parcels each to have indeterminate floor area ratios, or to allow either or both to exceed the applicable floor area ratio limitations, so long as all of the improvements within the area bounded by Washington Street, Avenue de Lafayette, Chauncy Street, and the Jordan Marsh Store do not exceed the maximum floor area ratio of 10.0 if viewed as one large building on one large lot.

G. Articles 13, 18, 19, and 20 (Yard Requirements): deviations to eliminate any yard requirements along any of the lot lines of the air rights parcels, external or internal.

H. Article 21 (Setbacks): deviations to eliminate setback requirements, if any, along any lot lines, external or internal.

I. Article 24, Section 24-1 and 24-2(c): deviations to permit the loading bay requirements to be met by the provision of 9 loading bays within the Parking Facility, for the joint use of the occupants of Parcels A and B in common with the City of Boston.

* J. Section 24-2(a) and (c) (loading bays, design): deviation to permit the required access between Chauncy Street and the loading bays to be provided through the truck ramp under the Jordan Marsh Store.

II. Parcel C:

A. Article 2-1(26) (definition of "lot"): deviation to permit an air rights parcel to constitute a separate zoning lot.

* Indicates deviations not previously noted.

MEMORANDUM

MARCH 31, 1983

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: THIRD AMENDMENT TO REPORT AND DECISION ON
CHAPTER 121A APPLICATION OF LAFAYETTE PLACE
ASSOCIATES

On September 28, 1979, the Authority voted to adopt a Report and Decision on the Application of Lafayette Place Associates for approval of an Urban Redevelopment Project pursuant to MGL (Ter. Ed.) Chapter 121A, as amended, and Chapter 652 of the Acts of 1960. The proposal called for the acquisition of a certain real property bounded by Washington Street, discontinued Avon Street, Chauncy Street, a new public way to be constructed, Avenue deLafayette, Harrison Avenue Extension, and a redefined Hayward Place and construction of a hotel, retail and commercial complex.

On February 17, 1983, the Authority voted to adopt a Second Amendment to the Report and Decision of the 121A Application of Lafayette Place Associates. As part of the amendment a "Statement of Permission Required for the Project to Deviate from Zoning Laws," consisting of two pages, was adopted as a subtitle EXHIBIT A to the Report and Decision. Page three (3) of the Exhibit zoning deviations was inadvertently omitted and not included therein.

The applicants are therefore requesting a third amendment in order to correct the omission of those zoning deviations that are needed to more precisely reflect the deviations needed for the project as previously approved.

It is the opinion of the Chief General Counsel this amendment does not represent a fundamental change and does not require a public hearing.

It is, therefore, recommended that the Authority adopt the attached Third Amendment to the Application and the Report and Decision.

An appropriate vote follows:

VOTED: that the document presented at this meeting entitled, "Application of Mondev, Mass., Inc., and Sefrius Corp., General Partners of Lafayette Place Associates, for approval of a Third Amendment to the Report and Decision of the Boston Redevelopment Authority Authorizing and Approving the Project under Massachusetts General Laws, Chapter 121A, and St. 1960, C. 652, as Amended, " be and hereby is approved and adopted.